I am working on a much more extensive response, and Lauren so far has only a glimpse of the conclusions as they emerge. The picture is still unfolding and incomplete.

I have full power clients (who wish they had translators), LPFM clients (some of whom have interference problems) and translator clients (waiting for their applications, for which they paid considerable money, to be processed). I believe the approach proposed here satisfies them all.

A valuable tool here in evaluating markets is the Commission's own FORTRAN program, which is found here (http://www.fcc.gov/Bureaus/MB/Databases/source_code/lpfm/lpfm6.zip). It correlates well with my own program and with the VSoft program. In the smaller markets, it suggests LPFMs can be created far out in unpopulated desert or farmland, which is true, but not useful information. It does block open bodies of water from evaluation. I have not compared the FCC tool with ComStudy or with the excellent REC tools and maps (http://home.recnet.com/?q=mitre).

First off, the FCC tool demonstrates that the LPFM advocates get essentially no new channels for their LPFMs by deleting FXs (translators), even in the absence of 3rd adjacent channel protection requirements, because, in most congested markets, new applications need the ability to waiver both 2nd and 3rd adjacent channels, use reduced power and use directional antennas to create drop-ins. LPFM spacing rules, even when both 2nd and 3rd channel waivers are employed, are totally inadequate to finding significant numbers of channels in the top 150 Arbitron markets. At most, under a thousand useful such LPFM spacing filings are possible in the top 150 markets, yet several thousands of translator filings are lost. In the top 10 markets, the FCC Appendix A (also attached) shows about 600 translator apps would be dismissed to make at most 7 LPFMs. In most of the larger markets, all translators are to be dismissed, yet no LPFMs are created. In the smaller markets, say Trenton, NJ, about 18 unused translator channels exist (not necessarily independent of each other, and not necessarily quality frequencies), and no LPFM can be created, but the single existing translator application will still be dismissed. How does this serve the public?

In stark contrast, translator rules can easily create many useful channels in most markets. The 2003 window demonstrates that there are tens of thousands of legal translator filings possible, many in top metro areas.

[I am expecting to develop a new tool to do the same task the FCC tool does fro LPFMS to be used for translator rules - bascially assuming translators can be placed on any land not in the protected contour of an existing facility (application or authorizations), and enumerating and mapping the possible translator channels. This output can be included in a formal submission if I can get it done in time.]

Experience with the LPFM spacing rules is that although they are too restrictive to get many channels, actual interference often still shows up when these rules are used. The Commission should put both services on the translator interference based rules (U/D, no-pop, etc) and allow facilities to be transferred (sold) between the two services. Each service should be required to protect the other. This approach would greatly reduce the interference problem we are experiencing with LPFMs, since they would both protect and be protected from interference.

The FCC should also allow the 2003 translator applicants to work out the resolution of their blocked mutually exclusive applications using the rules applicable at the time, including minor changes to their applications and mutual changes to unlock the mutual exclusivity. In the few sample groups I have examined so far, 80% of the mutually exclusive applications can be

unlocked by unilateral minor changes made by just one party. By doing this, the FCC would become immune to lawsuits.

Applicants should be allowed to talk to each other to avoid having both parties move in the same direction to break an Mx (making them Mx again) and they should be allowed to offer remuneration for dropouts, as in other proceedings. Finally, after an extended period of resolution (this is a lot of work), the points system needs to be applied. No applications at all should be dropped by the Commission, and the Commission has relatively little analysis to do, since the burden of resolution falls on the user community.

[Additional advantages
to LPFMs:
1) More power. Up to 250 Watts ERP and minimum of 10 Watts at high elevations. I seem to remember seeing one LPFM application granted to Corona, CA that had only 1 Watt ERP and was some miles from the nearest population, hence was useless. A translator at that site would have gotten at least 10 Watts.
2) Assurances of reduced interference complaints.
3) Ability to benefit by purchasing existing translators, rather than waiting for a window.
4) Immediate opportunity for filing windows, without the risk of further legal delays.
5) Vast numbers of possible channels, far beyond what the spacing rules allow.

to full service FM:
1) protection from 2nd and 3rd channel interference to any population (not simply waivers). This is crucial in the large areas of fringe protected areas, especially for class B and B1 facilities.
2) the ability to buy unwanted LPFMs and convert them to translators in situations where the terrain is difficult.

to the Commission:
1) No difficult new rules to formulate - use the present ones.
2) Rapid conversion of translators to LPFMs (buy purchases).
3) No "zero sum" contention for channels - there is ample spectrum for all, even in metro areas.
4) No disgruntled translators applicants who argue (and possibly sue) against the proposed procedure.
5) The ability to have many, frequent Tr/LPFM filing windows and have the applicants settle among themselves the issue of mutual exclusivity. This reduces the staff burden considerably, and eliminates any incentive for spectrum warehousing.
6) It is straightforward to process all the translator/LPFM applications into mx groups mechanically in a few hours, eliminating the need for staff time doing this onerous task.
7) reduced interference complaints from fullpower facilities from LPFM facilities where the spacing rules do not work out.

to translator users:
1) no loss of substantial investments in the 2003 window applications.
2) frequent windows, allowing response to market changes
3) diluted market cost for translators (due to increased availability), reducing their cost by increasing their availability.
4) no incentive to slowly move a translator substantial distances to satisfy a new market demand - just file there in the next window.

to consulting community:
1) one well understood set of rules for both services

2) software is needed no matter what approach is taken, but only interference produces happy clients.
3) frequent filing windows providing even level of work (rather than land-rush mentality with consequent inferior solutions)
4) ability to respond to new inquiries, rather than depend only on expansion of long term clients.

to the legal community:
1) help negotiate mx situations (right now they are cut out of any negotiation)
2) steady work submitting and processing applications in the frequent windows.
3) familiar translator issues apply to LPFM applicants not new ones.
]

Summary:

This approach is unarguably legal (no chance of further delay by lawsuits), is straightforward (we all know how to do translators) and is what I will be proposing. I think everyone wins with this approach - a soon window, no translators lost, some return on the 2003 investment, thousands of potential quality LPFM channels, avoids creating facilities that immediately experience objectionable interference, and the possibility of filing both translators and LPFMs once more. This can be a win-win situation, folks.

I would welcome comments on this approach as I refine the software to produce clearer presentations of the concepts here.